

### **REMARKS**

This responds to the Office Action mailed on February 8, 2007.

Claims 15-16, 18-19, and 22 are amended, claims 1-14 were previously canceled, without prejudice to the Applicants; as a result, claims 15-22 are now pending in this application.

#### **§112 Rejection of the Claims**

Claims 15 and 22 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

Although Applicants are uncertain as to what the ambiguity was as explained in the Office Action, Applicants have amended the independent claims to clearly indicate how the electronic license is produced and what is included therein. Software commands are features of a particular software product. The commands are registered or not capable of being registered for the software product and this is represented in the electronic license in the manners recited in the amended claims. Applicants believe that there is no ambiguity now present in the claims and respectfully request that this rejection be withdrawn.

#### **§103 Rejection of the Claims**

Claims 15 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Haruki (U.S. Publication No. 2001/0013099) in view of Ross et al. (U.S. 5,553,143). To sustain an obviousness rejection, each and every step or element in the rejected claims must be taught or suggested in the proposed combination of references.

The Examiner admits that Haruki fails to teach an inclusion and exclusion identifier for software commands of a software product and has relied upon Ross for this teaching. Ross strings multiple licenses together. There is not a single electronic license having inclusion and exclusion identifiers for software commands of a software product. Licenses are strung together to achieve different versions and upgrades in Ross.

Moreover, the claims as drafted now require at least one exclusion identifier for a particular software command of a software product. This is not shown or demonstrated in any manner in the Ross reference.

Thus, Applicants assert the proposed combination fails to teach each and every limitation in the amended independent claims. Accordingly, Applicants respectfully request that the rejections of record be withdrawn and the claims be allowed.

Claims 16-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Haruki and Ross et al., as applied to claim 15 above, and further in view of Misra et al. (U.S. 6,189,146). Claims 16 through 21 are dependent from amended independent claim 15; thus, for the amendments and remarks presented above with respect to claim 15, the rejections of claims 16-21 should be withdrawn. Applicants respectfully request an indication of the same.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

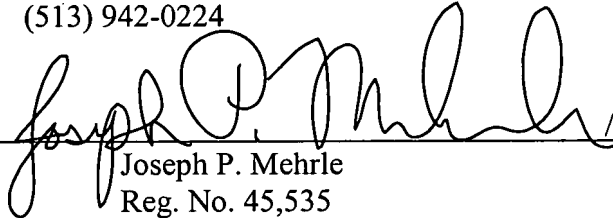
MARK D. ACKERMAN ET AL.

By their Representatives,

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Date 05/08/07

By /

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of May 2007.

  
Name

  
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